

Exhibit 3

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VIA E-MAIL

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Re: *In re Hyundai and Kia Fuel Economy Litigation*
Case No. 2:13-md-2424-GW-FFM

Dear Rob, Rich, and Eric:

This letter responds to the requests for production served by the *Brady*, *Hunter*, *Espinosa*, and *Maharaj* plaintiffs on May 22, 2013 on behalf of Hyundai Motor America (“HMA”), Hyundai Motor Company (“HKMC”),¹ and Kia Motors America, Inc. (“KMA”) (collectively, “defendants”). Defendants’ production and substantive written responses are subject to the Rule 408 Confidentiality Agreement in the MDL. Consistent with defendants’ May 30, 2013 letter, this letter sets forth the scope of what defendants are agreeing to produce, but does not set forth defendants’ respective objections. Consistent with plaintiffs’ agreement and the Court’s

¹ The legal name of the entity is Hyundai Motor Company. However, because the document production for Hyundai Motor Company includes some documents that may pertain to the EPA MPG testing for both Hyundai and Kia vehicles, this letter and other confirmatory discovery materials refer to the company as HKMC.

statements on the record, all of defendants' objections are preserved without defendants having set them forth in this letter.

"Confirmatory discovery should be narrowly focused and usually can be accomplished with reasonable document production . . ." 2 MC LAUGHLIN ON CLASS ACTIONS: LAW AND PRACTICE, § 6:11, at 94 (8th ed. 2011). Although plaintiffs' requests exceed the scope of confirmatory discovery plaintiffs and the Court need to assess the reasonableness and fairness of the settlement, defendants are agreeing to provide the additional discovery as set forth below in furtherance of the settlement. Defendants' agreement to produce a category of documents does not necessarily mean such documents exist.

Defendants have already produced documents sufficient to permit plaintiffs to proceed with the confirmatory discovery witness interviews. However, non-settling plaintiffs have requested defendants defer the interviews currently scheduled for HMA witnesses on June 25 and 26, and July 3, 2013, and for HKMC witnesses on July 11 and 12, 2013. Settling plaintiffs have also requested defendants defer the interviews currently scheduled for HMA and HKMC witnesses unless all document production and issues regarding the scope of document production are resolved by June 17, 2013, which defendants note is less than 30 days after the Requests for Production were served. Because one benefit of the proposed settlement is the option for customers to seek a prompt one-time payment or other relief as opposed to the distribution method under the voluntary reimbursement program, it is important that confirmatory discovery proceed without unnecessary delay. Nonetheless, defendants agree to settling and non-settling plaintiffs' request to defer the witness interviews for HMA and HKMC until after those entities' further productions as set forth below.

Definitions

Plaintiffs define "AFFECTED VEHICLES" to include both (i) vehicles for which the Environmental Protection Agency ("EPA") miles-per-gallon ("MPG") estimates were adjusted on November 2, 2012, and (ii) other vehicles included in the class definitions in *In re Hyundai and Kia Fuel Economy Litigation*. The settlement-in-principle is limited to vehicle models for which the EPA MPG estimates were adjusted on November 2, 2012. As set forth in defendants' May 30 letter, defendants will limit their responses to models for which the EPA MPG estimates were adjusted on November 2, 2012, except to the extent defendants are agreeing to produce documents sufficient to show the adjustments to the EPA MPG estimates announced on November 2, 2012 are inapplicable to other Hyundai and Kia vehicles.

Plaintiffs also define "YOU," "YOUR," "IT," "ITS," and "HYUNDAI"/"KIA" without reference to the two Hyundai defendants, HMA and HKMC, and to the two Kia defendants KMA and Kia Motors Corporation. HMA, KMA, and HKMC will treat the Requests served on May 22, 2013 as having been served on HMA, KMA, and HKMC, though the Requests only specifically identify HMA and KMA. HMA and KMA do not have possession, custody, or control of HKMC's documents.

Instructions

Plaintiffs seek documents from “2003 to the present” and further seek documents from before that period if they “RELATE TO” that period. The earliest model year Hyundai and Kia vehicles included in the settlement-in-principle are the 2011 Hyundai Elantra, the 2011 Sonata Hybrid, and the 2011 Kia Optima Hybrid. The period for advertising and marketing materials for a model and model year generally starts after January 1st of the year before the year identified as the model year, e.g., January 1, 2010 for 2011 model year vehicles. The period for other documents for a model and model year may be as early as January 1st of two years before the year identified as the model year, e.g., January 1, 2009 for 2011 model year vehicles.

Therefore, defendants will limit email and ESI searches to documents from on or after January 1, 2009. However, for documents produced to the EPA, the Federal Trade Commission (“FTC”), Congress, the federal Department of Justice, state attorneys general, state departments of justice, and the Kentucky Motor Vehicle Commission regarding (i) the adjusted EPA MPG estimates for Hyundai and Kia vehicles announced on November 2, 2012, and (ii) the reimbursement program announced on November 2, 2012, defendants will not withhold documents that predate January 1, 2009.

Plaintiffs’ instruction nos. 2 through 11 are inconsistent with the nature of confirmatory discovery as set forth in defendants’ May 30 letter. Defendants will respond in a manner consistent with defendants’ May 30 letter; however, defendants do not waive any objections to these instructions.

Plaintiffs’ instruction no. 12 proposes a purported list of search terms. For the searches of email and ESI that HMA and KMA will perform as part of confirmatory discovery, HMA and KMA will use the search terms proposed by plaintiffs. HMA’s and KMA’s agreement to use plaintiffs’ search terms does not waive any objection to these search terms if the scope of confirmatory discovery should change or to the use of the search terms in any other context. HKMC will use the search terms used in searching email and ESI to respond to the EPA’s requests made pursuant to Section 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a).

As set forth in defendants’ May 30 letter, defendants will produce documents based on searches conducted of the email and electronically stored information (“ESI”) for the individuals defendants have offered for interviews.

Specific Requests For Production

HMA’s and KMA’s response to each request are set forth below. Except as indicated for specific requests, HKMC responds that HKMC has produced and will continue to produce documents responsive to these requests, if any, as they are produced to the EPA as part of the EPA’s investigation of the adjusted EPA MPG estimates for Hyundai and Kia vehicles announced on November 2, 2012. Except as indicated below, HKMC does not otherwise agree to produce documents in response to these Requests.

Request for Production No. 1.

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO requests for information from the EPA, members of Congress, state AND federal justice departments AND attorneys general, AND state motor vehicles departments RELATED TO the FUEL ECONOMY of the AFFECTED VEHICLES, INCLUDING the VOLUNTARY REIMBURSEMENT PROGRAM.

Response to Request for Production No. 1

As defendants represented in their April 22 and 24, 2013 letters, defendants have produced and will continue to produce the documents produced to the EPA, the FTC, Congress, the federal Department of Justice, state attorneys general, state departments of justice, and the Kentucky Motor Vehicle Commission regarding (i) the adjusted EPA MPG estimates for Hyundai and Kia vehicles announced on November 2, 2012, and (ii) the reimbursement program announced on November 2, 2012. Defendants have produced and will continue to produce correspondence with these government entities regarding the substance and scope defendants' productions to these government entities.

To the extent the production to these government entities includes the following types of documents, defendants will withhold them from the production in response to Request No. 1: confidential company financial information and confidential corporate information. Defendants will also not produce or provide a privilege log for internal communications and documents related to these government entities' investigations, except to the extent such internal communications or documents are produced to one of these governmental entities. Defendants do not otherwise agree to produce documents in response to Request No. 1.

Request for Production No. 2

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO [HYUNDAI/KIA]'S FUEL ECONOMY testing AND retesting materials, protocols, guidelines, AND procedures for the AFFECTED VEHICLES, INCLUDING DOCUMENTS identifying the locations and dates, in the U.S. AND abroad, where FUEL ECONOMY testing was performed on the AFFECTED VEHICLES AND the departments, personnel, AND entities that conducted or were responsible for such testing.

Response to Request for Production No. 2

HMA and KMA do not perform the EPA MPG testing for Hyundai and Kia vehicles. Nonetheless, based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and documents, if any, pertaining to the testing and retesting protocols, guidelines, and procedures that are the subject of the EPA's investigation of the adjusted EPA MPG estimates of Hyundai and Kia vehicles as announced on November 2, 2012. HMA and KMA will also produce pre-November 2, 2012 final EPA MPG estimate data they respectively receive for each vehicle model for which the EPA MPG estimates were adjusted on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 2.

Request for Production No. 3

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO the development of [HYUNDAI/KIA]’S FUEL ECONOMY testing materials, protocols, guidelines, AND procedures that were in effect during the testing of AFFECTED VEHICLES.

Response to Request for Production No. 3

HMA and KMA do not perform the EPA MPG testing for Hyundai and Kia vehicles. Nonetheless, based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and documents, if any, pertaining to the development of testing and retesting protocols, guidelines, and procedures that are the subject of the EPA’s investigation of the adjusted EPA MPG estimates of Hyundai and Kia vehicles as announced on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 3.

Request for Production No. 4

Produce ALL DOCUMENTS RELATED TO the 2009-2010 review of testing inconsistencies and test-to-test variations referred to on page 3 of document bates labeled HKMCST0008321-29. Include ALL DOCUMENTS reflecting any changes made to testing procedures, guidelines, OR protocols as a result of this review.

Response to Request for Production No. 4

HMA and KMA do not perform the EPA MPG testing for Hyundai and Kia vehicles. Nonetheless, based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and documents, if any, pertaining to the 2009-2010 review referred to on page 3 of document bates labeled HKMCST0008321-29 that are within the scope of the EPA’s investigation of the adjusted EPA MPG estimates of Hyundai and Kia vehicles as announced on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 4.

Request for Production No. 5

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO [HYUNDAI/KIA]’s awareness of any actual or potential suspicion, problem, OR deficiency RELATED TO the FUEL ECONOMY determinations OR testing of the AFFECTED VEHICLES.

Response to Request for Production No. 5

HMA and KMA do not perform the EPA MPG testing for Hyundai and Kia vehicles. Nonetheless, based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and documents, if any, pertaining to suspicion or awareness of an actual or potential problem or deficiency in EPA MPG testing that is the subject of the EPA’s investigation of the adjusted EPA MPG estimates of Hyundai and Kia

vehicles as announced on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 5.

Request for Production No. 6

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO why any FUEL ECONOMY testing errors OR deviations from EPA-approved testing methodologies in CALCULATING FUEL ECONOMY affected the AFFECTED VEHICLES but not other Hyundai Vehicles.

Response to Request for Production No. 6

HMA and KMA do not perform the EPA MPG testing for Hyundai and Kia vehicles. Nonetheless, based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and documents, if any, pertaining to the adjustments to the EPA MPG estimates of Hyundai and Kia vehicles as announced on November 2, 2012 that are the subject of the EPA's investigation not applying to other Hyundai and Kia vehicles. HMA and KMA do not otherwise agree to produce documents in response to Request No. 6.

Request for Production No. 7

Produce ALL DOCUMENTS AND COMMUNICATIONS listing OR identifying EACH [HYUNDAI/KIA] model year vehicle tested at the same facilities as the AFFECTED VEHICLES between January 1, 2006, AND November 2, 2012.

Response to Request for Production No. 7

HMA and KMA do not perform the EPA MPG testing for Hyundai and Kia vehicles. HMA and KMA do not agree to produce documents in response to Request No. 7.

Request for Production No. 8

Produce ALL DOCUMENTS AND COMMUNICATIONS reflecting OR analyzing the basis OR reasons why [HYUNDAI/KIA] misstated the FUEL ECONOMY of the AFFECTED VEHICLES.

Response to Request for Production No. 8

HMA and KMA do not perform the EPA MPG testing for Hyundai and Kia vehicles. Nonetheless, based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and documents, if any, pertaining to an analysis of the reasons for the adjustments to the EPA MPG estimates of Hyundai and Kia vehicles as announced on November 2, 2012 that are the subject of the EPA's investigation. HMA and KMA do not otherwise agree to produce documents in response to Request No. 8.

Request for Production No. 9

Produce a current CV for EACH of the individuals [identified in response to section 1 AND section 2 of Shon Morgan's April 22, 2013 correspondence, which is attached as Exhibit A. /KIA is producing for confirmatory interviews in June, 2013, INCLUDING Michael Sprague, Michelle Cameron, AND Orth Hedrick.]

Response to Request for Production No. 9

Defendants will make available as subject to the Rule 408 Confidentiality Agreement, but not produce, a copy each interviewee's résumé redacted for personal identifying information other than the interviewee's name. Defendants do not otherwise agree to respond to Request No. 9.

Request for Production No. 10

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO complaints regarding the FUEL ECONOMY of the AFFECTED VEHICLES.

Response to Request for Production No. 10

HMA and KMA have produced, and will produce to the extent not previously produced, customer communications through November 2, 2012 regarding fuel economy for each vehicle for which the EPA MPG estimates were adjusted on November 2, 2012 redacted for personal identifying information. HMA and KMA do not otherwise agree to produce documents in response to Request No. 10.

Request for Production No. 11

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO the actual OR projected performance AND effectiveness of the FUEL ECONOMY advertisements for AFFECTED VEHICLES, INCLUDING the "4 x 40" advertising campaign.

Response to Request for Production No. 11

HMA and KMA have already produced market research regarding the role of fuel economy in consumers' decisions to purchase or lease the vehicles for which the EPA MPG estimates were adjusted on November 2, 2012. Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and documents pertaining to market research about the role of fuel economy in consumers' decisions to purchase or lease the vehicles for which the EPA MPG estimates were adjusted on November 2, 2012. HMA and KMA will also contact the relevant personnel to identify and produce market research in the form of marketing presentations, marketing planning documents, and surveys regarding fuel economy for the vehicles for which the EPA MPG estimate was adjusted on November 2, 2012. HMA and KMA will redact all personal identifying information about customers from documents produced in response to Request No. 11. HMA and KMA do not otherwise agree to produce documents in response to Request No. 11.

Request for Production No. 12

Produce ALL DOCUMENTS RELATED TO the actual OR projected sales of EACH AFFECTED VEHICLE in EACH state.

Response to Request for Production No. 12

HMA and KMA previously produced nationwide sales data for Hyundai and Kia vehicles for which adjusted EPA MPG estimates were announced on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 12.

Request for Production No. 13

Produce ALL DOCUMENTS AND COMMUNICATIONS between any [HYUNDAI/KIA] personnel AND any members of the media RELATED TO the FUEL ECONOMY of the AFFECTED VEHICLES, INCLUDING YOUR November 2, 2012, announcement.

Response to Request for Production No. 13

HMA and KMA previously produced press releases regarding the Hyundai and Kia vehicles for which adjusted EPA MPG estimates were announced on November 2, 2012. Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and other communications with the media, if any, pertaining to the EPA MPG estimates for the Hyundai and Kia vehicles for which adjusted EPA MPG estimates were announced on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 13.

Request for Production No. 14

Produce ALL DOCUMENTS tracking, evaluating, OR otherwise RELATED TO the FUEL ECONOMY of other automobile manufacturers' model year 2010- 2013 vehicles.

Response to Request for Production No. 14

Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce market research documents, if any, reflecting the compilation of information about the fuel economy of other automobile manufacturers for 2011 to 2013 model years. HMA and KMA do not otherwise agree to produce documents in response to Request No. 14.

Request for Production No. 15

Produce ALL DOCUMENTS AND COMMUNICATIONS with [HYUNDAI/KIA] dealers RELATING TO the change in FUEL ECONOMY for the AFFECTED VEHICLES.

Response to Request for Production No. 15

HMA and KMA previously produced communications with dealerships regarding their respective nationwide programs to replace the Monroney stickers for the Hyundai and Kia

vehicles for which adjusted EPA MPG estimates were announced on November 2, 2012. Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and other communications, if any, with dealerships on a nationwide or statewide basis regarding the replacement of Monroney stickers for and adjusted EPA MPG estimates for the Hyundai and Kia vehicles for which adjusted EPA MPG estimates were announced on November 2, 2012. HMA and KMA will also contact the relevant personnel to identify and produce email and other communications, if any, with dealerships on a nationwide or statewide basis regarding the replacement of Monroney stickers for and adjusted EPA MPG estimates for the Hyundai and Kia vehicles for which adjusted EPA MPG estimates were announced on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 15.

Request for Production No. 16

Produce ALL exemplar Monroney Stickers for the AFFECTED VEHICLES since their introduction.

Response to Request for Production No. 16

Defendants previously produced Monroney Stickers, both pre- and post-November 2, 2012 versions, for the Hyundai and Kia vehicles for which adjusted EPA MPG estimates were announced on November 2, 2012. Defendants do not otherwise agree to produce documents in response to Request No. 16.

Request for Production No. 17

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO [HYUNDAI/KIA]'s procedures for, AND program to, change or replace the Monroney Stickers on the AFFECTED VEHICLES, INCLUDING confirmations of, OR problems with, the removal or replacement of incorrect Monroney Stickers.

Response to Request for Production No. 17

HMA and KMA previously produced communications with dealerships regarding their respective nationwide programs to replace the Monroney stickers for the Hyundai and Kia vehicles for which adjusted EPA MPG estimates were announced on November 2, 2012. Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and other communications, if any, with dealerships on a nationwide or statewide basis regarding the replacement of Monroney stickers for and adjusted EPA MPG estimates for the Hyundai and Kia vehicles for which adjusted EPA MPG estimates were announced on November 2, 2012. HMA and KMA will also contact the relevant personnel to identify and produce email and other communications, if any, with dealerships on a nationwide or statewide basis regarding the replacement of Monroney stickers for and adjusted EPA MPG estimates for the Hyundai and Kia vehicles for which adjusted EPA MPG estimates were announced on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 17.

Request for Production No. 18

Produce ALL DOCUMENTS RELATING TO the VOLUNTARY REIMBURSEMENT PROGRAM.

Response to Request for Production No. 18

HMA and KMA previously produced documents regarding the terms and customer facing aspects of the reimbursement program announced on November 2, 2012. Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and documents regarding the terms and customer facing aspects of the reimbursement program announced on November 2, 2012. HMA and KMA will also produce a report reflecting the following for their respective reimbursement programs announced on November 2, 2012: the number of claims made, percentage of owners and lessees participating in the program, number of debit cards issued, value of the distributed debit cards, and amount spent from the distributed debit cards. HMA and KMA do not otherwise agree to produce documents in response to Request No. 18.

Request for Production No. 19

Produce ALL DOCUMENTS AND COMMUNICATIONS summarizing OR forecasting the potential financial impact, INCLUDING administration costs AND payments to owners of AFFECTED VEHICLES, of the VOLUNTARY REIMBURSEMENT PROGRAM, INCLUDING those RELATING TO consumer participation in the VOLUNTARY REIMBURSEMENT PROGRAM.

Response to Request for Production No. 19

Defendants do not agree to produce documents in response to Request No. 19.

Request for Production No. 20

Produce the operative contract for the gift or debit card provider administering the VOLUNTARY REIMBURSEMENT PROGRAM.

Response to Request for Production No. 20

Defendants do not agree to produce documents in response to Request No. 20.

Request for Production No. 21

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO complaints made by owners of AFFECTED VEHICLES RELATED TO the VOLUNTARY REIMBURSEMENT PROGRAM.

Response to Request for Production No. 21

Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce customer comments on the operation of the reimbursement program announced on November 2, 2012. HMA and KMA will redact any customer comments produced for customer's personal identifying information. HMA and KMA do not otherwise agree to produce documents in response to Request No. 21.

Request for Production No. 22

Produce ALL DOCUMENTS AND COMMUNICATIONS analyzing OR projecting the amount of funds placed onto debit cards that will revert to HYUNDAI as unused under the VOLUNTARY REIMBURSEMENT PROGRAM.

Response to Request for Production No. 22

Defendants do not agree to produce documents in response to Request No. 22.

Request for Production No. 23

Produce ALL DOCUMENTS RELATED TO claims submitted under the VOLUNTARY REIMBURSEMENT PROGRAM, INCLUDING the percentage of possible claims that have been filed to date and the average claim amount distributed.

Response to Request for Production No. 23

HMA and KMA will produce a report reflecting the following for their respective reimbursement programs announced on November 2, 2012: the number of claims made, percentage of owners and lessees participating in the program, number of debit cards issued, value of the distributed debit cards, and amount spent from the distributed debit cards. HMA and KMA do not otherwise agree to produce document in response to Request No. 23.

Request for Production No. 24

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO the computation and CALCULATION of claim amounts pursuant to the VOLUNTARY REIMBURSEMENT PROGRAM.

Response to Request for Production No. 24

Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce the blank final versions of forms and templates, if any, used in computing the amount of a customer's reimbursement pursuant to the respective reimbursement programs announced on November 2, 2012. HMA and KMA will also contact the relevant personnel to identify and produce the blank final versions of forms and templates, if any, used in computing the amount of a customer's reimbursement pursuant to the respective reimbursement programs announced on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 24.

Request for Production No. 25

Produce ALL DOCUMENTS RELATED TO the MPG LITIGATION SETTLEMENT.

Response to Request for Production No. 25

Defendants previously produced the term sheets for the settlement for Hyundai and Kia vehicles for the settlement-in-principle. Defendants do not otherwise agree to produce documents in response to Request No. 25.

Request for Production No. 26

Produce ALL DOCUMENTS AND COMMUNICATIONS summarizing OR forecasting the potential financial impact, INCLUDING administration costs AND payments to owners of AFFECTED VEHICLES, of the MPG LITIGATION SETTLEMENT, INCLUDING those RELATING TO consumer participation in the MPG LITIGATION SETTLEMENT.

Response to Request for Production No. 26

Defendants do not agree to produce documents in response to Request No. 26.

Request for Production No. 27

Produce ALL DOCUMENTS AND COMMUNICATIONS sent to OR received from actual or potential vendors, INCLUDING VISA OR any other gift or debit card providers, call centers, AND subcontractors, administering the MPG LITIGATION SETTLEMENT.

Response to Request for Production No. 27

Defendants do not agree to produce documents in response to Request No. 27.

Request for Production No. 28

Produce ALL DOCUMENTS AND COMMUNICATIONS analyzing OR projecting the amount of funds placed onto debit cards that will revert to HYUNDAI as unused under the MPG LITIGATION SETTLEMENT.

Response to Request for Production No. 28

Defendants do not agree to produce documents in response to Request No. 28.

Request for Production No. 29

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATING TO gas prices used in the CALCULATION of the lump sum payment amounts under the MPG LITIGATION SETTLEMENT.

Response to Request for Production No. 29

To the extent HMA and KMA track gas price data independent of information gathered in relation to the settlement-in-principle, based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce market research, if any, with gas price data. To the extent HMA and KMA track gas price data independent of information gathered in relation to the settlement-in-principle, HMA and KMA will also contact the relevant personnel to identify and produce market research, if any, with gas price data. HMA and KMA do not otherwise agree to produce documents in response to Request No. 29.

Request for Production No. 30

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATING TO the actual, average, OR anticipated length of vehicle ownership or lease agreement duration for AFFECTED VEHICLES.

Response to Request for Production No. 30

Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce market research, if any, with data regarding the length of ownership or length of lease for the Hyundai and Kia vehicles for which the EPA MPG estimates were adjusted on November 2, 2012. HMA and KMA will also contact the relevant personnel to identify and produce market research, if any, with data regarding the length of ownership or length of lease for the Hyundai and Kia vehicles for which the EPA MPG estimates were adjusted on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 30.

Request for Production No. 31

Produce ALL DOCUMENTS that support OR were used to determine the vehicle ownership periods that are part of the calculation of the lump sum payment amounts under the MPG LITIGATION SETTLEMENT.

Response to Request for Production No. 31

Defendants do not agree to produce documents in response to Request No. 31.

Request for Production No. 32

Produce ALL DOCUMENTS AND COMMUNICATIONS, including expert reports and COMMUNICATIONS, RELATING TO the decreased value of the AFFECTED VEHICLES, INCLUDING resale and/or trade in value.

Response to Request for Production No. 32

Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce market research, if any, with data regarding the residual value of the Hyundai and Kia vehicles for which the EPA MPG estimates were adjusted on November 2,

2012. HMA and KMA will also contact the relevant personnel to identify and produce market research, if any, with data regarding the residual value of the Hyundai and Kia vehicles for which the EPA MPG estimates were adjusted on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 32. Defendants do not agree to provide expert reports in response to Request No. 32 and note that no expert discovery schedule has been set.

Request for Production No. 33

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO HYUNDAI vehicle residual valuation data used by HYUNDAI AND related parties for the AFFECTED VEHICLES, INCLUDING Hyundai Capital America, in setting lease terms from the first date of marketing of EACH AFFECTED VEHICLE to the present. / Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO KIA vehicle residual valuation data used by KIA AND related parties for the AFFECTED VEHICLES.

Response to Request for Production No. 33

Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce market research, if any, with data regarding the residual value of the Hyundai and Kia vehicles for which the EPA MPG estimates were adjusted on November 2, 2012. HMA and KMA will also contact the relevant personnel to identify and produce market research, if any, with data regarding the residual value of the Hyundai and Kia vehicles for which the EPA MPG estimates were adjusted on November 2, 2012. HMA and KMA do not otherwise agree to produce documents in response to Request No. 33.

Request for Production No. 34

Produce ALL drafts of settlement agreements AND any ancillary OR RELATED DOCUMENTS exchanged to date.

Response to Request for Production No. 34

Defendants previously produced the term sheets for Hyundai and Kia vehicles included in the settlement-in-principle. No draft settlement agreements for the settlement-in-principle have been exchanged to date. Defendants do not otherwise agree to produce documents in response to Request No. 34.

Request for Production No. 35

Produce ALL DOCUMENTS reflecting the value placed on FUEL ECONOMY when shopping for automobiles.

Response to Request for Production No. 35

HMA and KMA have already produced market research regarding the role of fuel economy in consumers' decision to purchase or lease vehicles for which the EPA MPG estimates were

adjusted on November 2, 2012. Based on the searches of the email and ESI of the offered HMA and KMA interviewees, HMA and KMA will produce email and documents pertaining to market research about the role of fuel economy in consumers' decisions to purchase or lease vehicles for which the EPA MPG estimates were adjusted on November 2, 2012. HMA and KMA will also contact the relevant personnel to identify and produce market research in the form of marketing presentations, marketing planning documents, and surveys regarding fuel economy for the vehicles for which the EPA MPG estimate was adjusted on November 2, 2012. HMA and KMA will redact all personal identifying information about customers from market research. HMA and KMA do not otherwise agree to produce documents in response to Request No. 35.

Request for Production No. 36

Produce ALL DOCUMENTS AND COMMUNICATIONS between YOU and the lawyers OR law firms of McCune Wright, LLP OR Hagens Berman Sobol Shapiro LLP RELATED TO possible or actual litigation concerning the AFFECTED VEHICLES.

HMA's Response to Request for Production No. 36

Defendants do not agree to produce documents in response to Request No. 36.

Request for Production No. 37 to HMA and HKMC

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO Consumer Watchdog, INCLUDING lawyers employed by or counsel to Consumer Watchdog, except for DOCUMENTS filed in the above-captioned litigation OR in Bird v. Hyundai Motor America.

HMA's and HKMC's Response to Request for Production No. 37

HMA and HKMC do not agree to produce documents in response to Request No. 37.

Request for Production No. 38 to HMA and HKMC / No. 37 to KMA

Produce a privilege log of ALL COMMUNICATIONS OR DOCUMENTS withheld by [HYUNDAI / KIA].

Response to Request for Production No. 38

For documents from before November 2, 2012, defendants will provide a privilege log for any documents within the categories defendants have agreed to produce as set forth in this letter that are withheld from production on the basis of any privilege. Defendants do not otherwise agree to produce documents in response to Request No. 38.

Request for Production No. 39 to HMA and HKMC

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO the basis for the estimated MPG for the MD Elantra of 44.6 and 38.8 (as set forth in HMA0022824), 38 and 40

MPG (as set forth in HMA0022228) 40 MPG (as set forth in HMA0021688 and HMA0022061) and “up to 40 MPG” as referenced in (HMA 0022335).

HMA's and HKMC's Response to Request for Production No. 39

Based on the searches of the email and ESI of the offered HMA interviewees, HMA will produce the final EPA MPG estimate data received by HMA for the MD Elantra's pre-November 2, 2012 EPA MPG estimate. HMA and KMA will also contact the relevant personnel to identify and produce the final EPA MPG estimate data received by HMA for the MD Elantra's November 2, 2012 EPA MPG estimate. HMA does not otherwise agree to produce documents in response to Request No. 39.

Request for Production No. 40 to HMA and HKMC

Produce ALL DOCUMENTS AND COMMUNICATIONS RELATED TO the basis for the estimated 40 MPG for the Accent, Sonata Hybrid and Veloster models used in the 4 x 40 advertising campaign (as exemplified by HMA0000044 and HMA0000176-8).

HMA's and HKMC's Response to Request for Production No. 40

Based on the searches of the email and ESI of the offered HMA interviewees, HMA will produce the final EPA MPG estimate data received by HMA for the pre-November 2, 2012 EPA MPG estimates of the Accent, Sonata Hybrid, and Veloster used in the 4x40 advertising campaign. HMA and KMA will also contact the relevant personnel to identify and produce the final EPA MPG estimate data received by HMA for the pre-November 2, 2012 EPA MPG estimates of the Accent, Sonata Hybrid, and Veloster used in the 4x40 advertising campaign. HMA does not otherwise agree to produce documents in response to Request No. 40.

Very truly yours,

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

DYKEMA GOSSETT PLLC

/s/ Shon Morgan

Shon Morgan
Attorneys for Defendants Hyundai Motor
America and Hyundai Motor Company

/s/ James P. Feeney

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